

FILED

APR 24 2013

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN DEAN BELL,

Defendant.

CR-07-131-GF-DLC

ORDER

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on April 2, 2013. Based on Bell's admissions, he found that Bell violated his conditions by of supervised release by consuming alcohol and entering a bar and committing the crime of assault under Montana law. Judge Strong recommended that this Court revoke Bell's supervised release

and impose a sentence of 10 months custody, with no supervision to follow. No objections have been filed by either party, and Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Bell admitted the violations. Judge Strong is also correct that the United States Sentencing Guidelines call for 4 to 10 months imprisonment in this case. No circumstances justify a sentence outside these guidelines, and a high-end guidelines sentence is appropriate because this is Bell's second violation of his release terms and Bell engaged in assaultive behavior that endangered the community.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 60) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 24th day of April 2013.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive, flowing style. The first letter "D" is large and loops around. The last name "Christensen" is written in a similar cursive style.

Dana L. Christensen, District Judge
United States District Court